IN THE DISTRICT COURT OF THE UNITED STATES FOR THE

MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
v	)	CRIMINAL ACTION NO.
	)	2:08cr58-MHT
TAWAINE MCCULLOUGH	)	

ORDER

Upon the defendant's Notice of Intent to Change Plea (Doc. 28, filed September 3, 2008), it

is

ORDERED that this case is set for proceedings pursuant to Rule 11 of the Federal Rules of

Criminal Procedure on September 5, 2008 at 10:00 a.m., Courtroom 5A, Frank M. Johnson, Jr.

United States Courthouse Complex, One Church Street, Montgomery Alabama.

The Clerk is directed to provide a court reporter for this proceeding. If the defendant is in

custody, the United States Marshal shall arrange for the defendant's appearance at this proceeding.

Counsel for the defendant is DIRECTED to confer with the defendant prior to the proceeding set

in this order and (l) advise the defendant about the Sentencing Guidelines and that while the

Sentencing Guidelines are no longer mandatory the Guidelines remain an important factor which the

court will consider in determining a reasonable sentence; (2) advise the defendant that in addition

to the Guidelines, in determining a reasonable and appropriate sentence, the court will consider the

sentencing factors set forth in 18 U.S.C. 3553(a), and (3) explain to the defendant each of those

factors specifically including (a) the nature and circumstances of the offense and the history and

characteristics of the defendant; (b) the need to reflect the seriousness of the offense, to promote

respect for the law, and to provide just punishment for the offense; (c) the need for deterrence; (d) the need to protect the public; (e) the need to provide the defendant with needed educational or vocational training or medical care; (f) the kinds of sentences available; (g) the need to avoid unwanted sentencing disparities; and (h) the need to provide restitution to victims.

DONE this 4th day of September, 2008.

/s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE